

## REMARKS

In the Office Action mailed July 30, 2007, the Examiner noted that claims 1-27 were pending and rejected claims 1-27. Claims 1-5, 7, 9-15, 17, and 20-27 have been amended, no claims have been canceled, new claim 28 has been added; and, thus, in view of the foregoing claims 1-28 remain pending for reconsideration which is requested. No new matter is believed to have been added. The Examiner's rejections are respectfully traversed below.

The Office Action, on page 2, rejected claims 1-27 under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent No. 6,449,646 (Sikora).

With respect to independent claims 1, 11, and 21, the Office Action asserted that Sikora discloses:

a standby time estimating unit that estimates, when the standby state deciding unit has decided that no operator is standby, based on the status information, a standby time for each operator that is a time after which the operator is going to become standby; and an operator selecting unit that if the standby state deciding unit has decided that an operator is standby, selects the operator who is standby as the operator to process the transaction, or if the standby state deciding unit has decided that no operator is standby, selects an operator based on the standby time for each operator as the operator to process the transaction

(see Office Action, pages 2 and 3).

However, claim 1, for example, has been amended to recite, inter alia, "a standby time estimating unit that **estimates, while...no operator is standby**, based on the status information, **a standby time for each operator that is a time after which the operator is going to become standby**; and an operator selecting unit that **selects an operator based on a length of the standby time for each operator as the operator to process the transaction**" (claims 1, lines 17-22, emphasis is added) which is supported by the embodiments of the present invention on page 12, line 21 to page 13, line 6 and page 30, line 19 to page 31, line 20.

It is respectfully submitted that Sikora does not teach or suggest the aforementioned features of claim 1. Rather, Sikora is related to a method and apparatus that allocates mixed transaction type messages to resources via an integrated queuing mechanism. Further, Figs. 6 and 7 of Sikora describe a method of routing a transaction message within a transaction processing environment (see Sikora, col. 8, lines 36-45). Specifically, col. 9, lines 39-60 of Sikora describes:

[a]t step 214, responsive to the receipt of the queue request, **the queue engine 44 queues the underlying transaction** by creating an entry within the queue identified by the transaction requests, **and waits for an agent to become available** [emphasis is added]. The method 220 of allocating a transaction to a

resource commences at step 222 when resource capacity becomes available to service the relevant transaction message. For example, the resource may become available when an agent that forms part of the resources becomes available. The availability of an agent may be detected by the ACD 20, which recognizes when an agent concludes a transaction, for example by replacing a handset into a cradle of the telephone unit 48 or by the provision of some indication via the computer system 50. At step 224, the ACD 20 then notifies the queue engine 44, via an "available" message 170, that the relevant agent has become available. At step 226, the queue engine 44 determines the next entry within the various queues maintained by the queue engine 44 that is to be services, and accordingly the next transaction to be handled by an agent utilizing the resource allocation logic 160.

Further, Fig. 8 of Sikora describes:

**the queue engine queues the transaction** in an appropriate queue by constructing an entry in the appropriate queue utilizing information contained in the queue request, **and then waits for the next agent to become available** [emphasis is added]. At step 264, agent become available, whereafter the ACD 20 notifies the queue engine 44 of the agent's availability at 266. At 268, the queue engine 44 determines whether the available agent should properly service the e-mail transaction. If the determination is positive, the queue engine 44 reserves the agent at 270

(see Sikora, col. 11, lines 11-21). Stated another way, Sikora describes that while agents are busy processing other transactions, the new transaction waits for the first agent to become available and when the first agent becomes available the new transaction will be allocated to that first available agent. (See Sikora, col. 9, lines 39-60 and col. 11, lines 11-21).

Therefore, waiting for the first available agent as described in Sikora does not constitute "estimates, while...no operator is standby..., a standby time for each operator...and...selects an operator based on a length of the standby time for each operator as the operator to process the transaction" as recited in claim 1. Therefore, it is respectfully submitted that claim 1 patentably distinguishes over Sikora.

Amended claims 11 and 12 recite, inter alia, "estimating, based on the status information, a standby time for each operator that is a time after which the operator is going to become standby, while it is decided at the deciding that no operator is standby; and selecting an operator based on a length of the standby time for each operator as the operator to process the transaction." Therefore, it is respectfully submitted that claims 11 and 12 patentably distinguish over Sikora for reasons similar to those as discussed above. Further, the dependent claims patentably distinguish over Sikora for the same reasons as their respective base claims.

Accordingly, Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. § 102.

Claim 28 has been added to recite:

A method, comprising:  
estimating completion times for operators when each of the operators are busy with a current transaction; and  
selecting an operator as the operator to process a new transaction based on the completion times.

It is respectfully submitted that the prior art does not teach or suggest the aforementioned features of claim 28. Therefore, it is respectfully submitted that claim 28 patentably distinguishes over the prior art.

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. Further, all pending claims patentably distinguish over the prior art. There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If any further fees, other than and except for the issue fee, are necessary with respect to this paper, the U.S.P.T.O. is requested to obtain the same from deposit account number 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: October 30, 2007

By: 

Sheetel S. Patel  
Registration No. 59,326

1201 New York Avenue, N.W., 7th Floor  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501